

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

JAMES HALL,)	
)	
Plaintiff,)	
)	
v.)	Civ. No. 05-297-GMS
)	
FIRST CORRECTIONAL MEDICAL,)	
et al.,)	
)	
Defendants.)	

ORDER

WHEREAS, James Hall ("Hall"), was a prisoner incarcerated within the Delaware Department of Correction at the time he filed this 42 U.S.C. § 1983 action, along with an application to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915;

WHEREAS, on August 5, 2005, the court entered an order and granted Hall leave to proceed *in forma pauperis*, assessed a filing fee of \$250, and required Hall to pay an initial partial filing fee of \$18.14 (D.I. 12);

WHEREAS, Hall paid the initial filing fee on August 17, 2005, and made subsequent payments toward the filing fee of \$1.23 on February 17, 2006, and \$.97 on May 4, 2006;

WHEREAS, on July 31, 2006, the court received a change of address for Hall that indicated he had been released from prison and that provided the court with his new address;

WHEREAS, under the Prison Litigation Reform Act, release does not eliminate the obligation of payment of a filing fee that could and should have been met from the trust account while imprisonment continued. *Robbins v. Switzer*, 104 F.3d 895, 899 (7th Cir. 1997); *see also Drayer v. Attorney General*, Nos. 03-2517, 03-2518, 81 Fed.Appx. 429 (3d. Cir. 2003).

WHEREAS, on August 8, 2006, the court dismissed the case for failure to provide the USM-285 forms required for service;

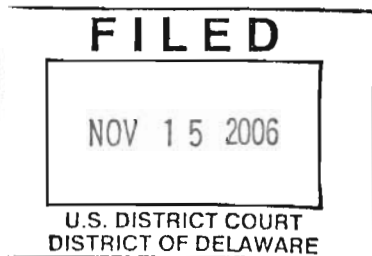
WHEREAS, on August 24, 2006, Hall filed a motion to alter or amend the judgment (D.I. 25);

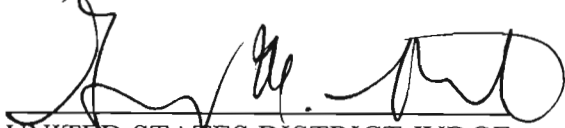
WHEREAS, a review of the court file reveals that all USM-285 forms have been received, with the exception of a USM-285 form for defendant Regional H. R. Mgr (FCM);

THEREFORE, at Wilmington this 19th day of November, 2006, IT IS HEREBY ORDERED that:

1. Hall's motion to alter or amend the judgment is GRANTED to the extent that the case is reopened.
2. The clerk of the court shall reopen this case.
3. Within thirty days from the date of this order, Hall shall either pay the balance of the filing fee owed (\$229.66) **or** submit a new standard form application to proceed without prepayment of fees and affidavit so that the court may determine whether he is still eligible to proceed *in forma pauperis*.
4. Within thirty days from the date of this order, Hall shall submit to the court a complete USM-285 form for the defendant Regional H.R. Mgr (FCM).

NOTE: Failure to timely comply with this order may result in dismissal without prejudice the defendant Regional H.R. Mgr (FCM) (i.e., USM-285 form) or complete dismissal without prejudice (i.e., filing fee or affidavit) of this case.




UNITED STATES DISTRICT JUDGE